

**SPECIAL MEETING  
BOARD OF MAYOR AND ALDERMEN  
(PUBLIC HEARING)**

**March 14, 2001**

**6:00 PM**

Mayor Baines called the meeting to order.

Mayor Baines called for the Pledge of Allegiance, this function being led by Alderman Shea.

A moment of silent prayer was observed.

The Clerk called the roll. There were thirteen Aldermen present.

Present: Aldermen Wihby, Gatsas, Levasseur, Sysyn, Clancy, Pinard, O'Neil,  
Lopez, Shea, Vaillancourt, Pariseau, Cashin, Hirschmann

Absent: Alderman Thibault

Mayor Baines stated before we start the meeting, I have a brief announcement. I forgot to remind people at the last meeting...on Friday at ten thirty at St. Anselm College at the Cushing Center in the north lounge we are going to have a forum on urban issues with education...former Mayor Wiczorek, former Mayor Mongan, former Mayor Dupuis and the Mayor's from Nashville, Tennessee, Nashua, NH Newburyport, Mass; Sommerville, Mass. and Melrose, Mass. If any of you are available and would like to participate and also participating with Dr. Timothy Schriver the CEO of Special Olympics is coming in from Washington, DC for the breakfast on Friday.

Mayor Baines advised that the purpose of the special meeting is a public hearing to hear those wishing to comment on a proposed amendment to the City Charter; that the Clerk will present the proposed amendment for discussion at which time those wishing to speak will be heard; that comments shall be limited to two minutes to allow all participants the opportunity to speak; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record; and any questions must be directed to the Chair.

The Clerk presented the proposed amendment to the City Charter --

The proposed change would:

Amend the Charter of the City of Manchester, New Hampshire to provide that the school district shall be a department of the city and that the mayor shall have control over the form and procedures for preparation and adoption of the school department budget.

The text of the proposed amendment is as follows:

Article IV. School and School Committee, Section 4.01 School District shall be amended to read as follows:

The City of Manchester, a municipal corporation, shall continue to constitute a single school district, administered by the board of school committee as a department of the City of Manchester. Wherever this charter refers to the school district, school district shall also mean school department. Except as otherwise provided in this charter the board of mayor and aldermen and the school committee shall continue to exercise such power in relation thereto as these respective bodies exercised at the time of the adoption of this charter.

Article VI. Budgets and Appropriations, Section 6.03 (a) Budget Formulation, Submission and Message shall be amended to read as follows:

The mayor shall establish the form and organization of procedures for preparation and adoption of the annual budget, including the school department budget, the capital improvement budget, and other budget instruments and plans for future fiscal periods as the mayor deems appropriate and which shall conform to all city ordinances concerning budgets and fiscal matters. Such procedures shall require that all budgets include all proposed expenditures according to general objects of expenditure and the proposed use and all anticipated revenue.

Article VI. Budget and Appropriations, Section 6.06 School District Budget shall be amended to read as follows:

The school committee shall prepare and submit its budget proposal. The budget shall be subject to the approval of the board of mayor and aldermen. The budget shall be submitted in accordance with the budget form, organization of procedures and schedule established by the mayor under Section 6.03(a). The board of mayor and aldermen shall accept such budget as submitted, or reject it and return it to the school committee along with the explanation for rejection and the maximum dollar amount which the board of mayor and aldermen will approve. The school committee shall then submit a revised

budget, which shall not exceed the maximum dollar amount established by the board of mayor and aldermen. The school committee shall administer, expend and account for the funds approved by the board of mayor and aldermen and shall have the exclusive authority to transfer funds among line items in the school budget.

Article VI. Budgets and Appropriations, Section 6.08 shall be amended to read as follows:

The board of mayor and aldermen may provide by ordinance any additional procedures for administering of the budget, including the budget of the school department.

Mayor Baines called for those wishing to speak.

Attorney Dean Eggert, 95 Market Street (Attorney for the Board of School Committee), stated:

At the request of the School Board, I am here tonight as their legal representative and my task tonight is similar to the task I had on July 31, 2000; that is to convey to you the Board of School Committee's legal concerns with regard to the proposed charter amendments. My task is not to weigh in on the political issues, but to simply share with you our legal analysis of the proposed charter amendments. In that regard, rather than reiterate for you the testimony that I provided on July 31, 2000. I want you to be aware that I provided the City Clerk with that testimony in script form, it should be in the records, it should be in the file, you simply need to refer back to it to see clearly the analysis that we provided back then and the reason I think that's important is that the amendment has not changed, the law has not changed, the only that's changed really is I've probably gained about ten pounds since July 31, 2000. But, I would like to do an overview with regard to some additional concerns that I do have. As we've had almost a calendar year to ponder with regard to these amendments and some of the implications of these amendments. I'd like to talk a bit about the perception that this amendment may create from a legal perspective. Certainly, it's cast to you as an amendment that creates the district as a department. I think from a perspective of analyzing what it actually does though...what it's going to create is a perception that calling it such makes it such and yet nothing is actually changed in the legal arena. Now, Judge Nadeau took a look at the historic relationship between the District and the City and one thing that I would ask you to bear in mind is that what you're doing is amending the 1992 Charter, but the 1992 Charter refers to the relationship between the District and the City and says it will be defined as it was defined as it was defined before. This is important because Judge Nadeau did not only look at the 1992 Charter, he looked at the 1986 Charter and Judge Nadeau said that based on the 1986 Charter and the 1992 Charter he is convinced that the School District is indeed a separate entity and not a department; that's important because on the one hand if you amend this you call it a department, but then you say that the relationship will be defined just as it was in the 1986 Charter. Well, Judge Nadeau has already told you what that relationship is and that's going to cause, if you adopt this amendment, some perception problems from a legal perspective. Because if the intent of the amendment is to return to the old financial relationship Judge Nadeau has ruled that those practices can no longer occur. For example, Judge Nadeau has ruled that the City Finance Office can no longer retain interest earned on School tax revenue. From 1990 to 1999 the City Finance Department retained over \$10 million in interest earned on School tax revenue and that was beneficially, obviously, to the City ledger. But, Judge Nadeau has said that whether you call it a department or a district you can't engage in that practice anymore. The other thing that Judge Nadeau is said that chargebacks have to be at arms length. Now, the benefit of not having an arms length. Now, the benefit of not

having an arms length relationship in the past was that the Board of School Committee never approved the actual chargeback amounts, they simply were a debit from the District's fund and it was really what was known as an inter-account fund and it was handled all mechanically within City Finance. Of course, that affected the District's cash flow because the tendency was to levy the chargeback and to simply take it without Board of School Committee approval. Well, Judge Nadeau has said that that beneficial relationship to the City can no longer occur. I simply want to stress the fact that a lot of the benefits of calling the School District a department by practice will no longer exist even if you could effectuate it because of Judge Nadeau's ruling with regard to the relationship. The last thing I'd like to do because I'm sensitive to the time is talk about the distinctions between a district and a department from a legal perspective. Let's assume hypothetically that we can start treating the district as a department of the city. The first thing you would have is a department governed, not by one elected official...we are familiar with that concept recently in the Welfare Department, but a department governed by a dozen plus elected officials; that's an interesting concept...that doesn't really square with the legal understanding of what a department is. The second thing you would have is that neither the Office of Mayor nor the Board of Mayor and Aldermen would actually have any further authority under the Charter than appropriating authority. It would become a very frustrating situation to bring this child within the family, if you will, as a department and yet not have the authority that you would have over a traditional City department. In light of the fact that my time has expired what I would like to do is simply provide the Board of Mayor and Aldermen with a written script of my text and allow other people to speak.

Kathy Staub, 374 Laurel Street, Manchester, NH, stated:

I am representing the Manchester Coalition for Quality Education. We are a grass roots organization of parents of school children in the City and I'm here tonight to address what I see as the consolidation of power within the Board of Mayor and Aldermen and really the stripping of...it gives the individuals voters less power because where in the past we have voted for one group of people to oversee the City and another group of people to oversee the best interests of the children in our schools. Some of the authority of the School Board is going to be undermined by this. Now, a month ago this Board was extremely upset over what it perceived as the undermining of the authority of one elected officials. What you are proposing to do tonight undermines the authority of not one, but an entire board of fourteen individuals who have been duly-elected by the voters of Manchester to oversee the schools in this City and if they're not doing their job, it's not your position to take authority away from them, it is ours. A man named Thomas Jefferson had a great deal to say about public education and about government and one thing that he said was whenever the people are well-informed they can be trusted with their own government. Whenever things get so far wrong as to attract their notice they

may be relied on to set them to rights and that's what I'm doing here tonight. If the Board of School Committee is not doing their job as we, the people of Manchester, New Hampshire see fit, then it is our duty and our responsibility to relieve them of that authority and not yours. This is pure politics. If you have not heard, it's because you have not been listening. The schools in the City of Manchester are in disgrace and politics is not going to solve the problem, what we need is government.

John McDonough, 1122 Belmont Street, Manchester, NH, stated:

I would like to take a moment before I address the subject at hand tonight because at a recent meeting Alderman Pariseau mentioned this that this was a hallowed chamber and I would go a step further, I say that, to me anyway, it is sacred, it is almost a grotto because the people with whom I served here...in the '80's I did serve with Alderman Cashin and Alderman Thibault and a fine Board and I hold in esteem even to this day. Thirty years ago, I believe about that time, Henry Pariseau was Mayor of Manchester and an excellent Mayor he was and that's another reason why I'm sure that Alderman Pariseau looks upon this as a hallowed chamber. Ten years before Henry Pariseau became Mayor, I sat with another Board of Aldermen and it was always a pleasure to serve in this capacity...names that you could not remember, that you have long since forgotten. How many would remember say Charlie Hunt or George Baker or Tom Enright or Frank Wilcox or any of these people...I know I'm going beyond, but all of these fine people Alfie Peloquin, Joe Lyons...all of these people who served so diligently and they were men of great dignity and brilliance and they left their stamp here and that's why I look upon this as certainly as expressing what Alderman Pariseau said. It is for me a hallowed chamber, I always feel like a prodigal son when I come here but I never get the fatted calf, I think that goes over to Levasseur and his restaurant. On the matter at hand, I wish you people luck in going down this errant path which you have embarked upon and let the people decide that's fine with me and embody it in your precious although worthless charter and as soon as it is challenged it will go down the tubes because court precedence are so strong...we don't have to worry about Manchester and Manchester alone, but you can go back to one of the hallmark decisions "Tappin against Shaw" and that was John Shaw, Mayor of Rochester and the same thing unfolded...it's just a department of the City said Mayor Shaw of Rochester and, of course, when it got to Superior Court they were back on their heels to find it separate, they appealed it to the Supreme Court, the Supreme Court threw it out, of course. They are separate entities and they're going to remain so regardless what you people do, regardless of your precious charter. I cannot stress that enough. How many precedents or court precedents do you people want before you finally come to the conclusion that this is nonsense, it's a waste of valuable time. When you have three Superior Court judgments against you and I mean by "you" those who say that the District should be embodied as a department. You have three Superior Court decisions saying otherwise. You have two Supreme Court decisions saying otherwise...I, myself in

order to become an Alderman while a teacher was put through the ropes by the Mayor, by the City Clerk, by the City Solicitor, by the Super of Schools, by the principals of the schools, etc. There is no way that you can possibly serve as a teacher/alderman, but when it went to court what did Judge Murphy say...the law is very well settled in this area. It is a separate entity entirely from the City and all of the public hearings you have and embodiments in your precious charter will serve to no avail. Thank you very, very much.

Bradford Cook, 150 Heather Street, Manchester, NH, stated:

I am here as a former Charter Commissioner who was involved in drafting the present charter. This afternoon I looked up the prior charter and I have brought the language which I will submit to you. I want to reemphasize something that Mr. Eggert said because I think it's important when you go to amend the charter that you not create confusion or delusion. The changes which you propose as I think Mr. Eggert stated not only in terms of language, but in terms of substance don't do anything...they don't change the procedure, they don't change the authority of the School District to move items around its own budget, they don't change the fact that you ultimately pass the School District budget, they don't do anything and to put the City through a process of voting on trying to understand and then thinking if it passes that they did something or if they didn't pass it reinforces something when in fact substantively it doesn't do a thing, I think is dangerous because if you do that and then nothing changes then I think Mr. Eggert and School Board Member McDonough have said that and I think the precedents say that, but I think even in the substance of provisions that are contained in here...at the present time, we follow the Mayor's schedule for a budget, you pass the amount that you want and you return it to us, we are required to have a hearing and reformulate our budget within the amount that you send back to us; that is true under the present charter, that is true under the new charter. There is no line item authority in this because there can't be under State Law nor is there under the present budget. The fact of the matter is...when I was a Charter Commissioner I said this and the Mayor may remember this from those meetings...the quality of government does not go to the structure, the quality of government goes to those who serve in it and if we don't get people who can work together to make these process work we can have any structure we want, but if we don't learn to work on this stuff together...peak, irritation, administration, argument isn't going to solve the problem we're still going to have the same issues. There is nothing in what you want to do here that's going to change that. We've got to do it by getting along and making these processes work better...these processes change nothing we've got to change our attitude.

Peter F. Leonard, 35 Andrew Street, Manchester, NH, stated:

I am School Board Member for Ward 3 and am running again for Ward 3 at School Board because there are too many issues out there to argue about this because former administrations did the same thing and the schools are worse now...before anything being done about them we have to get the schools fixed and better education for the kids and the only way we can do that is not cut the School budget so we can put in other programs to benefit students that have high IQ's to work them in too just as well as Special Ed and all of the other programs because if we don't these kids with the amount of education they're getting...I'm not saying it's bad, is just not enough for college because of the tech industry and the businesses are going to have to start working with the schools to help out with the kids if they want quality workers in their business because they want quality workers than can do the work...then they're going to have to help out with the schools to make sure they get the quality students back here to Manchester to work for them. Thank you.

Richard Girard, 166 Moore Street, Manchester, NH, stated:

To be honest with you, I don't know if I support this amendment, but I certainly support the sentiment it contains. The School Board and the Board of Aldermen, administration and the City Administration have been far too fractured for too long. What concerns me about this amendment though, as I said I support its intent, that clearly by the comments of Mr. Eggert, the School Committee's Counsel, if this thing is to be put on the ballot and if it is to pass, it is going to be challenged in court and we don't know whether or not that will succeed. Now, that in and of itself is not a reason not to go forward but I would just like to suggest that those who do support this amendment, if it passes, should initiate procedures to have State Law changed on behalf of the City. Manchester is the State's largest School District. A lot of the laws that the School District is subject to are not tailored for a district the size of Manchester nor are they tailored to a district that is necessarily a single municipality as Manchester is. So, it seems to me that a prudent course of action if you ultimately want to effect a change in the structure of the relationship between the School and the City would be to have special legislation introduced at the State Legislature so that those legal obstacles that will provide the challenges in court are amended, removed or otherwise dealt with so that the City can accomplish the goal that this amendment seeks to accomplish. I see no reason why financial systems and personnel systems and the other systems that exist in the City need to be replicated at the School Department. I think we can use the money better and I think ultimately the school's have to be accountable to this body as the governing and appropriating body of the City and it can't be if they are not integrated with the City's procedures. So, I would just urge that if this passes that those who support it do work with City staff to draft and introduce and our delegation to draft and introduce legislation

that would remove the legal obstacles that will provide the challenges in court. Thank you.

Artemis Paras, 1275 Hanover Street, Manchester, NH, stated:

I represent myself and my ward is Ward 6. I came before this Board last July. My position was one of opposition, I have not changed my position. From the prospective of language, one of the key points I made last year was it's very dangerous when we start interchanging terms, making language synonymous. There is certain authority, guidelines in the Charter and like Attorney Brad Cook and others who spoke earlier, I too went back to the 1986 former charter and what impressed me was that the School District language was there. To show you what could happen, where there could be legal challenges I ask you to look at Article VI Section 6.06 I think this is a telling example of what I'm trying to point out. It is titled, this subsection...School District Budget not School Department Budget. We have two State Senators among our Board, we have a State Representative and those of you who are serving in Concord know how dangerous it can be when we start amending and we don't cross-reference all other sections to make sure that language is consistent and this is what creates fertile ground for legal challenges. I speak from a background of language understandings. I also would like to say that I concur with the ruling made by former Judge Nadeau, the School District based on our Charter...it's obvious...anyone who can read it, it's a semi-autonomous entity, it has its own entity, and I believe that we would be risking more than gaining. Also, we must remember that we had one ruling...now both School District and the City, I understand, have submitted arguments in court for a clarification of some of the issues that have arisen regarding interest and retaining surplus and I think that it's not timely and it may be premature to go ahead with this when we still don't have all of the facts. I urge the Board to exercise reason, caution, and let's not make any impetuous decisions with some unintended consequences. I thank you for your time and please remember the importance of consistency of language...this is why we all get into trouble...even on zoning boards, Mayor Baines, and planning boards and members of the Board, thank you.

Lorraine Farrell, 9 Arthur Avenue, Manchester, NH, stated:

As a member of the Coalition, I too, echo Kathy's sentiments and I am not in favor of this being presented to the voters. I'm concerned about the School Board having to spend a lot of money to challenge this. This money should be spent on our children, it should be spent on their education, it should be spent on the facilities. They have already been determined to be in crises situation. As PTO President of Hillside Middle School, I listen to parents every day complaining about the schools and there are several parents here tonight who will not speak, but I can speak for them, they've given me permission. They are not in favor of this either. They want the schools to be taken care of. They don't want this going on the ballot. So, I ask you as their representative to consider their vote.

I also want you to notice a meeting at six o'clock is really difficult for parents to come and present their opinions. So, please don't think that we are not watching or not paying attention to this, we are. The Coalition started with 12 members, we are now at 125 in a month; that is a one hundred percent growth and we're going to continue to grow. Lastly, I'm a mom on a mission with a lot of time on my hands. I'm not going to let this go and I'm going to make sure that you pay attention to these schools. Thank you.

Kathy Sullivan, 192 So. Mammoth Road, Manchester, NH, stated:

I recently saw the movie *Ground Hog Day* for the first time and this is starting to remind me of ground hog day that we come back and seem to be going over the same things, the same proposals again and again in the City of Manchester. I said this the last time, it's a recipe for more litigation and you've been there, you've done that, you lost that the first time and rather than spending the time, money and energy on refighting this battle what this Board and the School District Board should be doing is working together to make sure Manchester's students are receiving a good education in modern and safe facilities and, in fact, the only competition that should be going on between the two Boards is a competition as to which Board can do the most to make our schools the best in the State of New Hampshire and wouldn't that be a great goal. I don't think that has been a goal that the City has had, at least in my lifetime...I'd like to see that be a goal for the City of Manchester. So, what's important here is not really who controls the money...the issue is the kids and again this Charter amendment doesn't do anything to address the goal of making Manchester schools the best that they can be. I think there are two sides to every story, I think there are ways at looking at numbers and looking at budgets to make it appear that there are deficits when there are no deficits, there are ways of inflating chargebacks to cover up some of the overruns that might be occurring on the City side of the budget and blaming the School District for that. There have been overcharges and they have not always been sufficient explanations of the chargebacks, but the City has charged the School District...I think that's one of the things that got the City in trouble in the litigation and if you look at the court decision that was issued, I think that the court supported the School District and some of the findings with respect to the lack of backup for the chargebacks that were made to the School District over the years. So, the real issue though, again, is the one that you should be addressing and that is how to make our schools the best and how do we take care of Manchester's kids and how do we address the facilities needs of the City and that's what we should all be spending our time on and as a member of the last Charter Commission, I would just urge you again to not make changes to this Charter, leave the situation as it is, work together and not in a negative or antagonistic fashion between the two Boards, let's work together on what's important for the City and what's not important...in this case who controls the City finances, it's not something that we should all be fighting over, it's not constructive. Thank you very much.

Mayor Baines stated if people want to make comments we'll open up for comments.

Alderman Wihby stated we've heard a lot of comments today about we're going to make sure that we're all going to work together and this is for power and all these other things and that we should first take care of the children of the City, take care of the facilities of the City...I don't think that taking care of the children of this City and the facilities of the City is by dumping a computer system that the City bought for \$2 million and getting their own and buying and spending money on their own, your Honor, there is an article in the newspaper looking for a benefits coordinator, an accountant, an accounting manager...these are all positions that we have in our Finance Department that were being used by School Department and these are just three new ones, but they've added other ones other than these and this is where the money's going, your Honor. It's not going for the facilities or the children and it's got to be stopped and this proposal was put together with the City Solicitor's Office who assured us that again we're having this argument, so the School's going to say their side and we're saying our own side. But, it's to save the money from going into areas where they don't need to have it spent. They don't need to spend money on a computer system when we have it on our side, they don't need to spend money for a human resource division when we have it on our side and we have a Finance Department, a treasurer...all these new positions...we sat here and we gave them the money a couple of year's ago and the Superintendent said he wasn't going to add any new positions and that the extra money wasn't going to fund any new positions on the administrative part and they've added three positions just for this year, they just came out a couple of weeks ago...that's where the waste of the money is going, your Honor, and this Board has got to stop it. We've got to go back to having human resources done out of the City side, we have to go back to Finance being done out of the City side. The School contributes half the budget...we didn't lose any positions in Finance, we didn't lose any positions in Human Resources, we didn't lose any positions anywhere else. We kept all of the positions that we had and they've added and added and added...taking monies away from facilities, taking monies away from children and trying to say that while we're doing this and it's a power play when all the time they're wasting the money. The computer system alone was hundred of thousands of dollars that they had to do...we spent a million or two million on our side to be able to do their side. So, your Honor, this is why this was put together. As far as the School District or the wording it says anytime it says "School District" it means "School Department" so I think the writing that the City Solicitor has done is appropriate. But, the whole reason why this came about was to stop the mismanagement of administrative purposes to stop spending and wasting the money...we have duplication of services...we always talk about consolidating departments and trying to put them together to save the money and that's what we're trying to do with this, your Honor. I talked to the City Solicitor today and I said well the

Mayor had a proposal to go forward and we were going to work together and draw up something to the judge and I asked how's it going and he said well, I guess we're going to be righting on that. The School side doesn't agree with some of the things and the way they worded it and we're going to do our own and so we're going forward anyway on our own...we're still going to bring something to the judge. If this was done, this would give the City side a little more authority and maybe the judge would rule in our benefit rather than the other side and say that we can do all of these human resource things and stuff and that's the whole reason that the court case in front of the judge probably won't come before we vote on it. Your Honor, this is only to be put on the ballot; that is all we're voting for is to give it a chance...put it on the ballot and let the citizens of Manchester decide...if they want to do it or they don't want to do it. It's not having the Aldermen trying to get more power or anything, it's the citizens to decide. They vote it down, fine, it's done. They want to look at it and do it they pass it. All we're going today is trying to...it's going to go to the Committee on Bills on Second Reading but that's all we're doing with this proposal is letting the citizens have a chance to speak on this issue, your Honor.

Alderman Hirschmann stated two points, I just want to make two quick points. The first one was with Attorney Sullivan's comments...basically, she leveled a charge against your administration...are you going to let that go unanswered, your Honor.

Mayor Baines replied I didn't believe she did that.

Alderman Hirschmann stated it was a charge that the City Finance Department is overcharging the School District and you know that on our agenda every month for the past three months there has been a chargeback issue to the schools and your administration has been working on it on a monthly basis and you've even attended meetings and you've told us time-after-time everything is appropriate, the bills are being paid, is that a lie. Are we overcharging somebody, your Honor.

Mayor Baines replied I know that there are some issues that are still in dispute, I can tell you that.

Alderman Hirschmann stated you are going to have to inform the Board...the second point I'd like to make because we're under the assumption that everything is okay. This instrument that is in front of us I would like the City Solicitor to give testimony...is this going to hold up in court, is this worded correctly, are the statements of the public...are you going to not be able to defend this instrument, is this drafted correctly.

Deputy Solicitor Arnold replied I believe it is drafted correctly and certainly we will defend it.

Alderman Shea stated in regard to the HTE system I would like to ask Alderman Gatsas are we still suing them for the contract or not because of the inefficiency of that particular system.

Alderman Gatsas replied I would defer to the City Solicitor's Office and Finance because that is who was supposed to follow through with that and I don't know what...

Alderman Shea stated in fairness to the School Department that system has not proven to be efficient, am I correct, City Solicitor, or am I incorrect in that regard.

Deputy Solicitor Arnold replied I guess that...whether the system is being efficient or not is probably better directed towards the Finance Department who uses it on a daily basis.

Alderman Shea stated another comment and this is being the devil's advocate maybe, but I know when I first came into the City we had three people in the Personnel Office now we call it Human Resources and I'm not sure...how many do we have now.

Mayor Baines replied I believe it's fourteen.

Alderman Shea asked how many did we have years back in the Finance Office and how many do we have now.

Mayor Baines replied I don't have the answer to that one.

Alderman Shea stated I would say we probably have the same amount of people there, so in essence, when we start picking on the School Department and adding new positions let's be fair and honest and say we have added other positions in other particular areas and what I'm saying is we can't come out and castrate the School Department for adding new positions when we as a Board have allowed other departments to grow by leaps and bounds, so I don't think that the argument is sufficient. If we want to indict one department let's indict them all because I think that it's only fair. We have different people working in different departments and if the School District has been taken over as a district rather than a department and if they have had revenues for the last ten years (\$10 million) and if that can be justified then I'm not sure exactly whether or not putting different questions on a ballot is going to solve the problem. I'm thinking that possibly we ought to use a little wisdom. We've gone down different roads now, in different areas, and we've found that we're

hitting blind alleys in different areas and I don't want to mention everything, but our bonding has gone down and other things, so we should be very prudent as to how we spend our taxpayers money.

Mayor Baines stated I do know that some Aldermen want to speak so I want to remind people that this was a public hearing for the public to have input tonight, it now goes to Bills on Second Reading, we'll have a debate there and then it will come back to the Board for another vote and which there will be plenty of opportunity to debate, just a reminder, and obviously we'll continue.

Alderman Vaillancourt stated it's somewhat pains me to sit here and hear phrased that this is politics pure and simply and to hear it suggested albeit obliquely that some people have the best interests of children and education at heart and other people do not. I think that's a charge that should not be leveled in these hallowed chambers, these sacred chambers because to even suggest that would be to suggest that all of us do not have the best interests of our children's education at heart and I think we all do. It is simply a question of how we get from point A to point B and this as Alderman Wihby pointed out is not an end product. It is simply something that would be put to the voters to decide. If we put this to the voters, for example, and they decide overwhelmingly that they want to go this route then I think the onus would be on the School Board to challenge this in court, they would be saying we don't believe what the voters have said. This idea that this can't be done because it's in violation of the Charter is absurd on the face of it, this is an attempt to change the Charter. If, in fact, we need to change State laws as Rich Girard has said I think we have enough legislators in this room who could prevail upon the powers that be in Concord to perhaps do that. Our goals should be the most efficient system possible. We should not start out with the assumption that we're going to take power away from somebody. If we can make something more efficient and we can all work in that direction, we can overcome the grammar and the legal problems and we can get to the end result. Finally, I would like to say in response to Attorney Cook's comment that if he doesn't think that the quality of government goes to structure maybe he would like us back under the Articles of Confederation rather than under the United States Constitution. People are obviously important and everybody is working toward a noble cause, but getting the right structure is sometimes the magic that makes government work as the founders of our constitution undoubtedly knew. Thank you.

Alderman Levasseur stated this really does come down to a duplication of services. I know parents are sitting out there at home and I'm glad that you came forward and spoke and I can see your frustration, but if you look at the system the way it is now do you see any improvement. Look at the way the schools are right now. Is there a difference between which Board has bottom line authority or not. So, you have to look at it from

our perspective. This is a duplication of services question. I understand Alderman Wihby's passion on this, this is a waste of money. He sees two lawyers, two accountants, two or everything...it's like Noah's Ark. We don't need to do things in duplication. We can do things better and this is what this is all about, it's trying to make things better and to not waste money so we can put more money into the education system and into the school facilities. If we could bring you more money to put into the School system wouldn't that be something that we could all get together on and work out well with. Mayor Baines sat here with me, we had a meeting in Accounts and Enrollment and we have an outside auditor from Connecticut and I asked him I said do you have the same situation in Connecticut and they said yes, we have some cities that are districts and some that are not. And, I asked him is it better to go with districts or is it better to come and bring everything under one financial officer and he said the way things are going now is they're coming back around and putting everything under one financial officer. We're going to have to go to court every single time we have a fight over a chargeback, every time who decides who's going to pay for the plowing...we're going to have to spend time in court all the time. We can't even figure out how we're going to get into court to figure out how we're going to get a Charter amendment passed. These debates don't need to be on-going, we don't need to keep fighting about this. We're trying to make the system better and we're not trying to usurp any authority of the School Board. The School Board has their job to do. I think that some of this stuff and this rhetoric is not what we're here for, we're here to try and make things better and Alderman Wihby by bringing this is trying to do the right thing by the whole City. The remarks that are made against the School Board, I just don't understand it. I think it's time that we stop taking the taxpayers for granted and we start making government more accountable and I don't see how the system the way it is now...we're divided, we're not united and if we stay divided we're not going to improve and we're not going to get better and we're not going to become the City that we should be. So, I understand your frustration but this is not any kind of a game or any kind of a play. This is trying to save money to make our taxpayers dollars go further.

Alderman Lopez stated just a couple of comments I'd like to make and I think everybody has points pro and con and they are all very good points. I also served on the Charter Commission and nine commissioners decided to let the courts decide. The courts did decide. But, the point that I want to make is that the written document that was presented to us July 31st I would wish that the City Solicitor would go through and give us their comments in detail as was presented by this Board. Also, last year...we've had a lot of problems with the School Board as all of us know. I think taking steps forward and I think they have taken steps forward. I think that there are a lot of the School Board members today understand a lot more about the budget process with the implementation of the programs that the Finance Committee of the School Board put together for control.

Whatever the bottom line is, whatever over spent budget was last year or the year before I think working together things are going to change. I agree that it becomes personalities to a degree and all the time that we go through this problem of changing the charter instead of trying to work with it and work with the people that have been elected...the 14 School Board members have been elected...with the philosophy that they have as far as education goes, I think the taxpayers have got to understand and do understand where the authority does lie and also that the School Board people cannot continue without accountability...accountability and that is what's been...for the last year it's accountability so that we can make logical decision and that is the problem that we are here today talking about a charter change.

Alderman Gatsas stated maybe you can answer a question for me. The School audit, has that been completed.

Mayor Baines replied no.

Alderman Gatsas stated I think that probably addresses the frustrations that this Board looks at because I believe that the audit was supposedly going to be finished in November, it was extended to December, it was extended to January...I believe it was then absolutely going to be completed in February...we're now at the 15th and I believe, at some point here, isn't the City in jeopardy of their audited statement.

Mayor Baines replied we're getting close. We hope to have...let me modify my statement. We've had meetings with the auditors from both sides...the most recent one was last Friday and we are presently working with Finance to attempt to reconcile the remaining differences that are there and they will be meeting with our external auditor on Friday and hope to come to both Boards with some recommendations as to how to resolve these differences because we have to get the differences behind us to go forward financially. So, we do not have a final audit to answer your question, Alderman.

Alderman Gatsas stated I think that's the frustration that, I believe, both Boards are running into. I don't think that anybody is not looking out for the best interests of the children. I think that when you look at that that is what we're here for whether you're a School Board member or an Alderman, I think that's what you're looking at. However, if we don't have the adequate tools to make decisions we're coming into our budget process, you've almost completed yours ready to pass that budget onto the rest of the Board here and I think if we don't have the ability to take a look at items from the School side so that we can look at proper funding, I think that at some point that's what we're all looking for. We're looking for somebody to come in and say here it is, we've completed it, here are

the numbers, this is what we need to deal with. However, that never happens and we're still waiting. Thank you.

Alderman Wihby stated I just wanted to say that what Alderman Shea spoke earlier about...adding new positions...I don't mind adding new positions in the School Department if they're teachers or somebody that is going to help the children, but not for a human resources department or a finance department or a new treasurer when we have our own people in-house that can do that. So, let them add teachers that's where I think everybody wants them to add, but not where we can do the stuff in-house, that we have the employees in-house, that we didn't get rid of half of them that we should have...if we gave half of this finance away we should have cut half of the staffs and we didn't. So, if we're going to keep that staff then we ought to be doing the School system with it and saving that money and spending it on teachers and on the children.

Mayor Baines stated again this is to remind people that we are going to have plenty of time to debate this on two more occasions.

Alderman Shea I have two more comments. First of all, I wonder why Mr. Wihby is here and not running the School Department...that's an important point because he seems to know what's more important to them than I do or he does, but...

Mayor Baines interjected, Alderman, just the issues.

Alderman Shea continued by stating you let him speak now I am going to speak back to him. The second point is it is my understanding, your Honor, that the person auditing the City departments has not completed his particular work, is that correct.

Mayor Baines replied yes he has, he hasn't been able to complete his entire work because it depends on numbers from the Schools, that is what's been holding us up. We are totally prepared on the City side to move forward but we have to reconcile the numbers with the schools.

Alderman Shea stated it was my understanding that there was some difficulty in terms of finances, that is not correct.

Mayor Baines replied that is not correct.

Mayor Baines advised that all wishing to speak having been heard, the testimony presented will be referred to the Committee on Bills on Second Reading to be taken

under advisement with reports to be made to the Board of Mayor and Aldermen at a later date.

There being no further business to come before the public hearing, on motion of Alderman Pariseau, duly seconded by Alderman Pinard, it was voted to adjourn.

A True Record. Attest.

City Clerk